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In re Application of :
Victor MOROZOV et al :
Application No. 10/665,722 :
Filed: September 19, 2003 :
Attorney Docket No. GMU-08-013U :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed June 21, 2006, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 22, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee of \$770; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of June 21, 2006 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.


Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum time period obtainable for reply to avoid abandonment. Accordingly, since the extension of time submitted on December 12, 2007 was subsequent to the maximum period obtainable for reply, this fee cannot be accepted to extend the period. Therefore, the \$525 extension of time fee will be refunded to petitioner's deposit account no. 50-3212.

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Regarding the concurrently filed response to restriction requirement, it is noted that the dates therein have been incorrectly typed. The restriction requirement date should have been June 21, 2006 instead of April 5, 2007 and the shortened statutory period expiration date should have been July 22, 2006 instead of September 21, 2006.

Telephone inquiries concerning this decision should be directed to Quyen Leung at (571) 272-6051 or in her absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 1641 for appropriate action on the concurrently filed election, application data sheet and declaration.



David A. Bucci
Petitions Examiner
Office of Petitions